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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 LEROY BEY,

9 Plaintiff,

10 v.

11 TROY HANSEN, et al.,

12 Defendants.

)  
)  
) Case No. C08-1479-TSZ  
)  
)

) ORDER DISMISSING ACTION  
) AND DENYING *IN FORMA*  
) *PAUPERIS* APPLICATION AS  
) MOOT  
)

13 The Court, having reviewed plaintiff's application to proceed *in forma pauperis*, the  
14 Report and Recommendation of Brian A. Tsuchida, United States Magistrate Judge, and the  
15 remaining record, does hereby find and ORDER:

- 16 (1) The Court adopts the Report and Recommendation.  
17 (2) This action is DISMISSED.  
18 (3) Plaintiff's application to proceed *in forma pauperis* is DENIED as moot.  
19 (4) The Clerk is directed to send copies of this Order to plaintiff and to Magistrate  
20 Judge Brian A. Tsuchida.

21 DATED this 7th day of November, 2008.

22 s/ Thomas S. Zilly

23 THOMAS S. ZILLY  
United States District Judge

ORDER DISMISSING ACTION AND  
DENYING *IN FORMA PAUPERIS*  
APPLICATION AS MOOT – 1